

SENATE BILL NO. 298

INTRODUCED BY F. THOMAS, MOOD, R. BROWN, COCCHIARELLA, KEENAN, LASZLOFFY, MCGEE,
MCNUTT, SHEA, STAPLETON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO VENUE IN LEGAL ACTIONS
AGAINST STATE AGENCIES; PROVIDING THAT IN AN ACTION AGAINST A STATE AGENCY, VENUE IS
ALSO PROPER IN ANY COUNTY IN WHICH THE AGENCY BEING SUED HAS AN OFFICE; AND AMENDING
SECTION 25-2-126, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 25-2-126, MCA, is amended to read:

"25-2-126. Against state and political subdivisions. (1) ~~(a) The~~ EXCEPT AS PROVIDED IN SUBSECTION
(2), THE proper place of trial for an action against the state is in the county in which the claim arose or in Lewis
and Clark County.

~~(b)~~ In an action against the state brought by a resident of the state, the county of the plaintiff's residence
is also a proper place of trial.

~~(c) In an action against a state agency, other than an action against a statewide elected official, the
county in which the state agency being sued has an office is also a proper place of trial.~~

(2) THE PROPER PLACE OF TRIAL FOR AN ACTION THAT CHALLENGES THE ISSUANCE OR DENIAL OF A PERMIT OR
CERTIFICATE BY A STATE AGENCY IS IN THE COUNTY IN WHICH THE PERMITTED OR AUTHORIZED ACTIVITY WOULD OCCUR.
IF AN ACTIVITY WOULD OCCUR IN MORE THAN ONE COUNTY, ANY COUNTY IN WHICH THE ACTIVITY WOULD OCCUR IS A
PROPER PLACE OF TRIAL.

~~(2)~~(3) The proper place of trial for an action against a political subdivision is in the county in which the
claim arose or in any county where the political subdivision is located."

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